IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 13TH MARCH 2007 / 22ND PHALGUNA 1928

RPFC.No. 125 of 2007

MC.225/2006 of THE FAMILY COURT, MALAPPURAM
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REVISION PETITIONER/M.C.RESPONDENT

ISHAKK.P.K., (ISAQUE.P.K.), AGED 31 YEARS, S/O.LATE AHAMMED, PRIYAM TEXTILES AND STICHING, PULIKKAL P.O., ERANADU TALUK, MALAPPURAM DISTRICT.

BY ADV. SRI.MANJERI SUNDERRAJ
SRI.B.PREMNATH (E)

RESPONDENTS: M.C.PETITIONERS
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1. JOHARA.C.M., AGED 26 YEARS, D/O.(LATE) C.M.SALEEM, MIHRAJ PARAYAKKUTH HOUSE, TENHIPALAM P.O., AMSOM AND DESOM, TIRURANGADI TALUK, MALAPPURAM.

2. AMAL AHAMMED, AGED 4 YEARS (MINOR), S/O.ISAQUE.P.K., (MINOR PETITIONER IS REP. BY GUARDIAN MOTHER IST RESPONDENT).

3. ISHAKK P.K.(ISQUE P.K.) AGED 31 YEARS, S/O. LATE AHAMMED, PRIYAM TEXTILES AND STITCHING PULIKKAL P.O. , ERANADU TALUK, MALAPPURAM DISTRICT.

BY

THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR ADMISSION ON 13/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

R.P.F.C.NO.125 OF 2007

DATED THIS THE 13TH MARCH 2007

ORDER

The revision petitioner is the counter petitioner in M.C.No.225/2006 filed under Section 125 of the Code of Criminal Procedure and under orders to pay maintenance at the rate of Rs.1,500/- to the first petitioner and Rs.800/- to the 2nd petitioner per month from the date of the petition. The revision petitioner/counter petitioner was set ex parte by the court below. The revision petitioner has sought for an opportunity to explain his case before the court below.

In the circumstances, the order of the court below is set aside on condition that the revision petitioner deposits the entire arrears due at the rate of Rs.1,000/- to the first petitioner and Rs.800/- per month to the 2nd petitioner. The court below shall dispose of the matter on merits at the earliest after affording opportunity to both parties to adduce evidence. The revision petitioner shall appear before the Family Court, Malappuram on 20-4-2007. The revision petition is disposed of accordingly.

K.R.UDAYABHANU, JUDGE

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